

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FERNANDO PEREZ,)	
	}	
Petitioner,	}	
	}	
v.	}	Civil Action No. 09-44 Erie
	}	
FRANCISCO J. QUINTANA,	}	
	}	
Respondent.	}	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on February 25, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 14, 2009 [10], recommends that the instant petition for writ of habeas corpus be summarily dismissed without service and that the motion for injunctive relief be denied. The Petitioner was allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at the Gaston County Jail, 475 N. Marietta Street in Gastonia, North Carolina, where he is presently incarcerated.¹ Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

¹ At the time Petitioner commenced this action, he was incarcerated at the Federal Correctional Institution McKean, which is located in Bradford, Pennsylvania, within this District. According to the Petitioner, he was transferred to a halfway house on February 24, 2009.

AND NOW, this 13th day of August, 2009;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, summarily DISMISSED without service and the motion for injunctive relief be, and hereby is, DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on July 14, 2009 [10], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge